

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

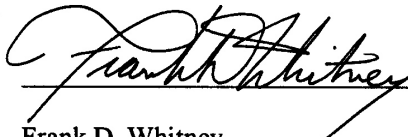
UNITED STATES OF AMERICA)	No. 3:07cr57-W
)	
Plaintiff)	
)	
v.)	ORDER
)	
ERIC CONYERS,)	
)	
Defendant)	

Defendant Eric Conyers, *pro se*, filed a Fed. R. Crim. P. 35(a) motion seeking a correction in his sentence for a supervised release violation, alleging a defect in his Bill of Indictment in United States v. Conyers, 3:94-137 (D.S.C. 1994).

Although this Court has jurisdiction over Defendant's supervised release arising from his federal conviction in the District of South Carolina in 1994, his motion to reduce his sentence arising from an *alleged defect in his 1994 Indictment* is untimely. Such defect should have been raised in his original prosecution in the District of South Carolina or in a timely collateral action in the District of South Carolina under 28 U.S.C. § 2255. Assuming *arguendo* that Defendant has alleged an actual defect in his 1994 Indictment (although it appears he has not), he has waived such defect.

THEREFORE Defendant's motion is DENIED.

Signed: July 5, 2007


Frank D. Whitney
United States District Judge

